

## **Board of County Commissioners**

### **Workshop Item**

Date of Meeting: April 24, 2007

Date Submitted: April 20, 2007

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator  
Vincent S. Long, Deputy County Administrator  
Wayne Tedder, Director of the Planning Department

Subject: **ADDENDUM:** Status of Lands Zoned R-1 Outside of Capital Circle  
(Additional information is identified using strike/add format)

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#### **Statement of Issue:**

This workshop is for the Board to analyze and discuss the status of lands zoned R-1 located outside of Capital Circle.

#### **Background:**

During its October 24, 2006 meeting the Board requested Planning Department staff to schedule a workshop to review the status of land outside of Capital Circle zoned R-1. Also, in an effort to ensure that the issues identified in the discussions by the Commission that resulted in the above agenda item, staff will include a discussion of the possible densities in the County along the Canopy Roads systems where R-1 zoning districts are located.

#### **Analysis:**

In 1992 the zoning districts that were in effect from 1970-1992 were repealed. All properties designated Mixed Use on the future land use map were rezoned to either the Mixed Use A, B, or C zoning districts consistent with their future land use category designation. These zoning districts were very broad and allowed a range of uses that typically permitted uses of various intensities from single-family detached dwellings to light industrial activities. The intent of the future land use categories and zoning districts was to encourage a mix of uses.

In 1997 site-specific districts were adopted and all properties zoned Mixed Use were rezoned to one of the new zoning districts. The new residential categories were very limited in the uses allowed. To determine which zoning district to place on a piece of property, local government considered existing use if the property was developed; surrounding uses; other features of the site such as access, environmental sensitivity; availability of central water utilities; vested rights; and use of the property as shown on the Future Land Use Map.

Under Mixed Use zoning property owners were entitled to use their lands for, among other uses, low-density residential, which is defined as 0 to 8 units per acre. When assigning zoning districts, those sites outside of Capital Circle that were not served by utilities were many times assigned the Residence 1 zoning district, which reduced the sites' potential density from 8 units an acre to 3.6 units per acre (and retained a development pattern of 2 units per acre until central sewer is available). The R-1 district accomplished the following:

- Preserved property owners' rights that had been in effect since 1970 to develop 2 units per acre on septic tanks; and
- Provided for a limited urban density of 3.6 units per acre when central water and sewer became available in recognition of the properties location inside the Urban Service Area.

#### *Canopy Roads:*

Objective 3.4 of the Conservation Element of the Comprehensive Plan addresses the County's designated Canopy Roads, requiring their protection, maintenance and improvement. Specifically, Policy 3.4.10 prohibits medium and high density residential, commercial, and office uses on a canopy road unless there is alternate access to a road other than a canopy road. Low density residential development, defined by the Comprehensive Plan as being 0-8 dwelling units per acre, is not subject to this limitation. Also, Policy 3.4.6 [C] prohibits subdivision of property along canopy roads that would require a significant increase of driveways in order to provide legal access to newly created parcels. Further, the Leon County Code does not allow multiple driveways for new development along canopy roads and requires properties to use alternative access if it is available.

#### *Findings:*

There are 872 parcels, containing +/- 2,365 acres, zoned R-1 outside of Capital Circle in Leon County, of which +/- 2,078 acres are not environmentally constrained. Depending on the method used to determine vacancy, either according to the Leon County Property Appraiser or the EAR criteria (the EAR criteria for determining vacant land is defined on page 2 of Attachment #1), there are approximately 868 to 1,576 acres that have not yet been developed. Of this yet-to-be-developed land, 125 to 204 acres front on a Canopy Road (see Attachment #1).

As seen in Attachment #1, there are 5 distinct sub-areas in the county containing R-1 land. For purposes of this analysis, they have been titled the North, Northeast, Southeast, South, and West Areas. In the North Area, there are 280 acres of R-1 zoned land on 192 parcels, 10.7 acres of which are environmentally constrained. From 67.8 acres on 29 parcels to 168 acres on 47 parcels are vacant (according to the Leon County Property Appraiser and the EAR criteria, respectively). None of the properties are located along a canopy road (see Attachment #2).

In the Northeast Area, there are 181.3 potentially developable acres of R-1 land on 54 parcels. Of these, approximately 125 to 157 acres on 15 to 23 acres are vacant. The amount of this R-1

zoned vacant land that is along a canopy road (Miccosukee and Centerville Roads) ranges from 19.4 to 46.3 acres on 1 to 7 parcels (see Attachment #3).

The greatest amount of potentially developable land along canopy roads is located in the Southeast Area (Attachment #4 provides a full picture of the vacant R-1 land in the county that fronts on a canopy road). Specifically, out of a range of 338 acres on 111 parcels to 687 acres on 149 parcels of potentially developable R-1 land in the Southeast Area, between 105.3 and 158 acres front on Old St. Augustine Road (see Attachment #5).

The South sub-area contains between 178 and 240 acres of vacant R-1 land, located on 29 to 34 parcels, respectively. None of the land is located along a canopy road (Attachment #6). The West Area likewise contains no vacant R-1 zoned property along canopy roads. A range of 161 to 325 acres on 48 to 89 parcels, respectively, is vacant and potentially developable in the West sub-area (Attachment #7).

Subsequent to the distribution of the original agenda item, Commissioner Thael requested that staff provide additional information that would address the development potential along the Canopy Roads. The issues that staff was requested to address are as follows:

- Modifying the Urban Service Area (USA) boundary and/or reduce zoning intensities along canopy roads.
- Increasing the level of service (LOS) along canopy roads to reduce congestion.
- Identification of safety concerns along canopy roads.

**Modifying the USA boundary and/or reduce zoning intensities along canopy roads.**

One strategy to reduce congestion along canopy roads is to remove the areas adjoining the canopy roads system from the USA. If areas were removed from the USA, then the zoning for these properties would also need to be reduced in order to be consistent between the USA strategies and the land use designations. The USA is the target area for greater densities and intensities. Where this boundary exists, the Comprehensive Plan directs us to look at increased densities and intensities rather than reducing the densities and intensities. An area such as the Lake Protection Future Land Use Map (FLUM) category is a great example of this land use conflict (density vs. USA). The area is within the USA, but the Comprehensive Plan restricts the area to very low densities (1 dwelling unit per 2 acres). The permitted densities within the Lake Protection category make it difficult, if not impossible, to meet the strategies of the USA. It would be reasonable to remove any areas from the USA where greater densities and intensities are prohibited.

The County Attorney's Office has raised concerns that any reduction in the amount of land designated as being within the USA and reduction of permissible zoning densities could lead to legally actionable restrictions of landowners' existing development rights. Additionally, reductions in the USA could lead to significant requests for expansion of the USA in other parts of our community where infrastructure is not readily available.

**Increasing the level of service (LOS) along canopy roads to reduce congestion.**

Canopy Roads in the county are classified as "constrained roadways" along the segments located outside of the Urban Service Area. Currently, for roadways designated constrained by the local government, an alternative LOS standard is applied, which is equal to the adopted LOS plus 50%.

Per Capital Improvements Policy 1.1.3, the local government may designate a roadway as "constrained" if the capacity cannot be increased for any of the following reasons:

- 1) The improvement that will resolve the deficiency is not feasible due to environmental constraints, regulatory constraints or prohibitively costly right-of way demands, or;
- 2) The improvement that will resolve the deficiency is not desirable in that it is inconsistent with clearly defined community goals or long term plans, or;
- 3) The improvement that will resolve the deficiency is not desirable in that it clearly represents an economically inefficient measure that will address a public facility deficiency only on a temporary, limited basis.

Development on these capacity-constrained roadways therefore may proceed even if the adopted LOS is not met, provided the developer pays "commensurate mitigation" which would be spent on other improvements to the transportation network.

Eliminating the "constrained designation" would restrict the ability of development to proceed if there are capacity problems, and thus reduce development on Canopy Roads. However, the 2005 Growth Management Act gives a developer the right to pay their fair-share for mitigating their impacts, if the local government has a project in the Capital Improvements Element. Currently, because the Canopy Roads are considered "capacity constrained," the Department of Community Affairs does not require the County to show how the capacity problems will be corrected. However, if the "constrained" designation is removed, the County could then be held responsible for identifying mitigation activities to allow development to proceed. This means that development could potentially still move forward, and one level of protection for the Canopy Road would be lost.

**Identification of safety concerns along canopy roads.**

The County's Public Works Department is, currently, compiling accident data records. This information will be available at the workshop. However, staff raises two concerns when safety issues are raised. First, if the canopy roads are thought to be unsafe, widening of the roadways could be the typical response to address this issue. Such widening could further impact the integrity of the Canopy Road System. Secondly, a finding by the Board that the roadways are unsafe could lead to legal challenges. This issue is more appropriately addressed by the County Attorney's office.

Lastly, it should be noted that the Canopy Roads Citizen Committee (CRCC) is working toward addressing several issues related to preservation and enhancing the Canopy Roads System. The committee's charge is to provide recommendations to enhance and maintain the Canopy Road System and they are systematically working to provide recommendations to improve these valuable assets.

The CRCC developed an annual report in 2005 that was accepted by both the Board and City Commission. Both Commissions also directed staff to assist the CRCC in developing options to implement the Report's recommendations and present updates on their progress as well as agenda items to implement recommendations. The Planning Department has done one update agenda item to each commission and established a protocol for implementation of recommendations: CRCC and staff develop specific projects, seek direction on those projects from the Long Range Target Issues Committee (for City projects) and the CRCC liaison (Commissioner Dailey) for County projects, and then, after incorporating their direction, bring forward an agenda item for full commission approval.

The CRCC recommendations presented to both Commissions are:

1. Implement public information programs.
2. Provide annual awards for innovative projects.
3. Use Canopy Road tree replacement funds for Canopy Road projects.
4. Create specific traffic design standards for Canopy Roads.
5. Have earlier review of Canopy Road projects.
6. Impose appropriate and consistent penalties for violations.

The CRCC has initiated the following tasks/processes:

1. The CRCC will be hosting a tour of selected Canopy Roads on May 19<sup>th</sup> to start a dialogue on future directions for Canopy Roads programming in the City and County.
2. The CRCC will be hosting a mission and goal setting exercise this summer to help shape the dialogue started during the May tour into a more focused direction for the Canopy Roads system.

The CRCC has created two subcommittees to help advance their proactive projects and develop recommendations for implementation of recommendations in the 2005 Annual Report. Both subcommittees (Outreach and Regulations) have selected four priority projects to focus on.

The CRCC Outreach Subcommittee is developing the following priority projects:

1. Send a Canopy Roads pamphlet to everyone who owns land in the Canopy Road Protection Zone.
2. Develop an awards program to select and recognize projects that make extra efforts to preserve the Canopy Roads experience.

3. Update the Canopy Roads Web Site with an interactive tour.
4. Evaluate Canopy Roads signage.

The CRCC Regulations Subcommittee is developing the following priority projects:

1. Develop traffic design best management practices.
2. Develop a list of Canopy Road sites that need tree planting and have a willing landowner.
3. Amend the County Code to specifically require CRCC review when projects propose impacts in the Canopy Road Protection Zone.
4. Increase both City Growth Management Department and County Growth and Environmental Management Department participation the CRCC development review process and develop a system for reporting back to the CRCC on how their recommendations were implemented.

In summary, the Board requested a status report on lands zoned R-1 outside of Capital Circle. Due to the additional policy issues raised in response to Commissioner Thaell's inquiry, staff requests Board direction.

**Options:**

1. Accept staff's report.
2. Board direction.
3. As it pertains to development of low density, single-family detached residential development in R-1 zoning districts outside of Capital Circle, make no revisions to the Comprehensive Plan or the Leon County Development Code.
4. Amend the Comprehensive Plan and Development Code as required to further limit the allowable densities in lands zoned R-1 outside of Capital Circle. The Board would need to provide specific density ranges.
5. Amend the Comprehensive Plan and Development Code as required to further limit the allowable densities in lands zoned R-1 outside of Capital Circle along Canopy Roads only. The Board would need to provide specific density ranges.

**Recommendation:**

Options #1 and #2.

PA/VSL/WT/RS

Attachments

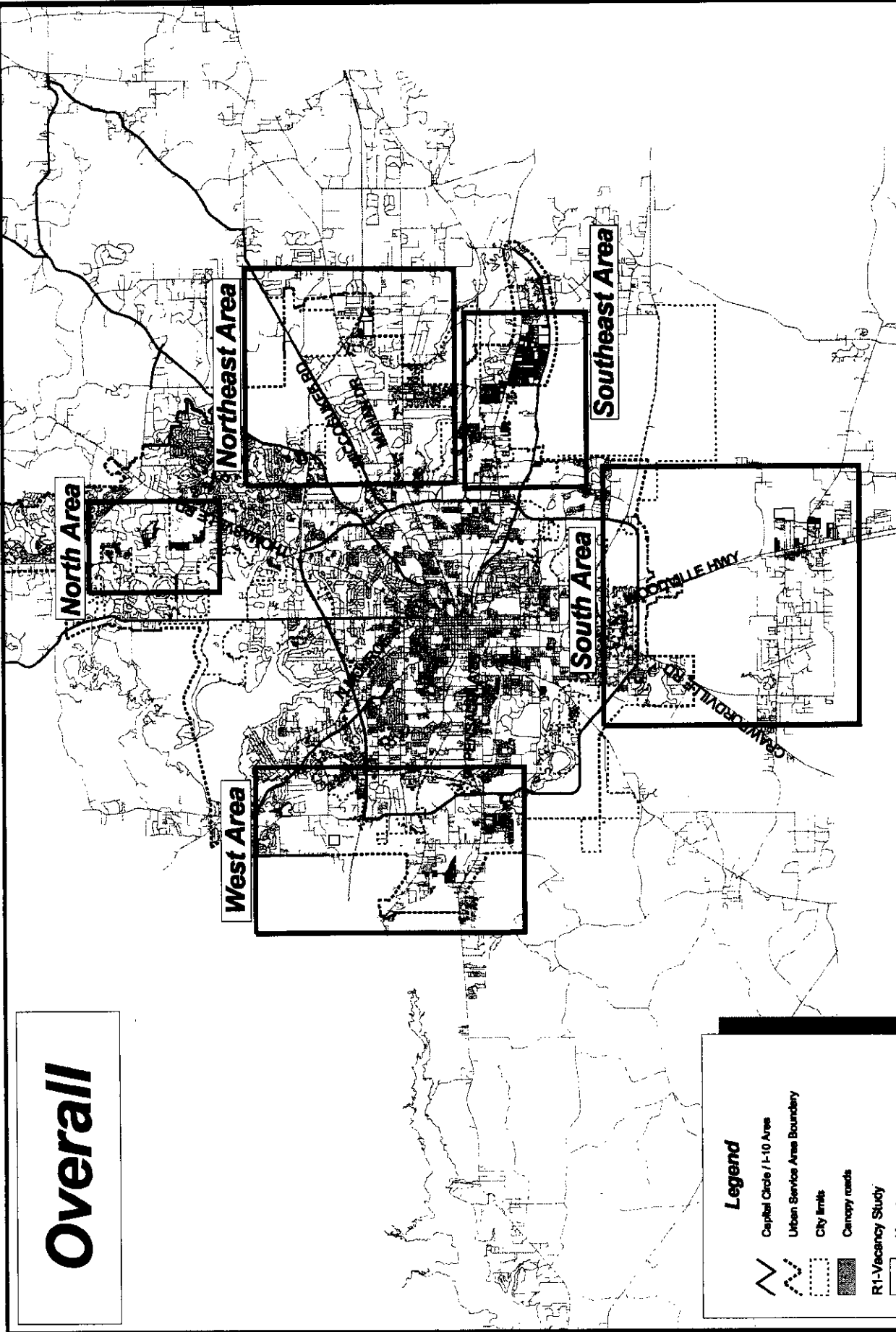
1. Summary of R-1 Vacancy Analysis and Map of land zoned R-1 in Leon County
2. North Area map and data table
3. Northeast Area map and data table
4. Map and data table of R-1 land along Canopy Roads
5. Southeast Area map and data table
6. South Area map and data table
7. West Area map and data table



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# R-1 Zoning Vacancy Analysis

## Overall



### Legend

- Capital Circle / I-10 Area
- Urban Service Area Boundary
- City limits
- Canopy roads
- R1-Vacancy Study**
  - Vacant
  - Not Vacant, but possibly developable (East Chatham)
  - Government Owned
  - Not vacant



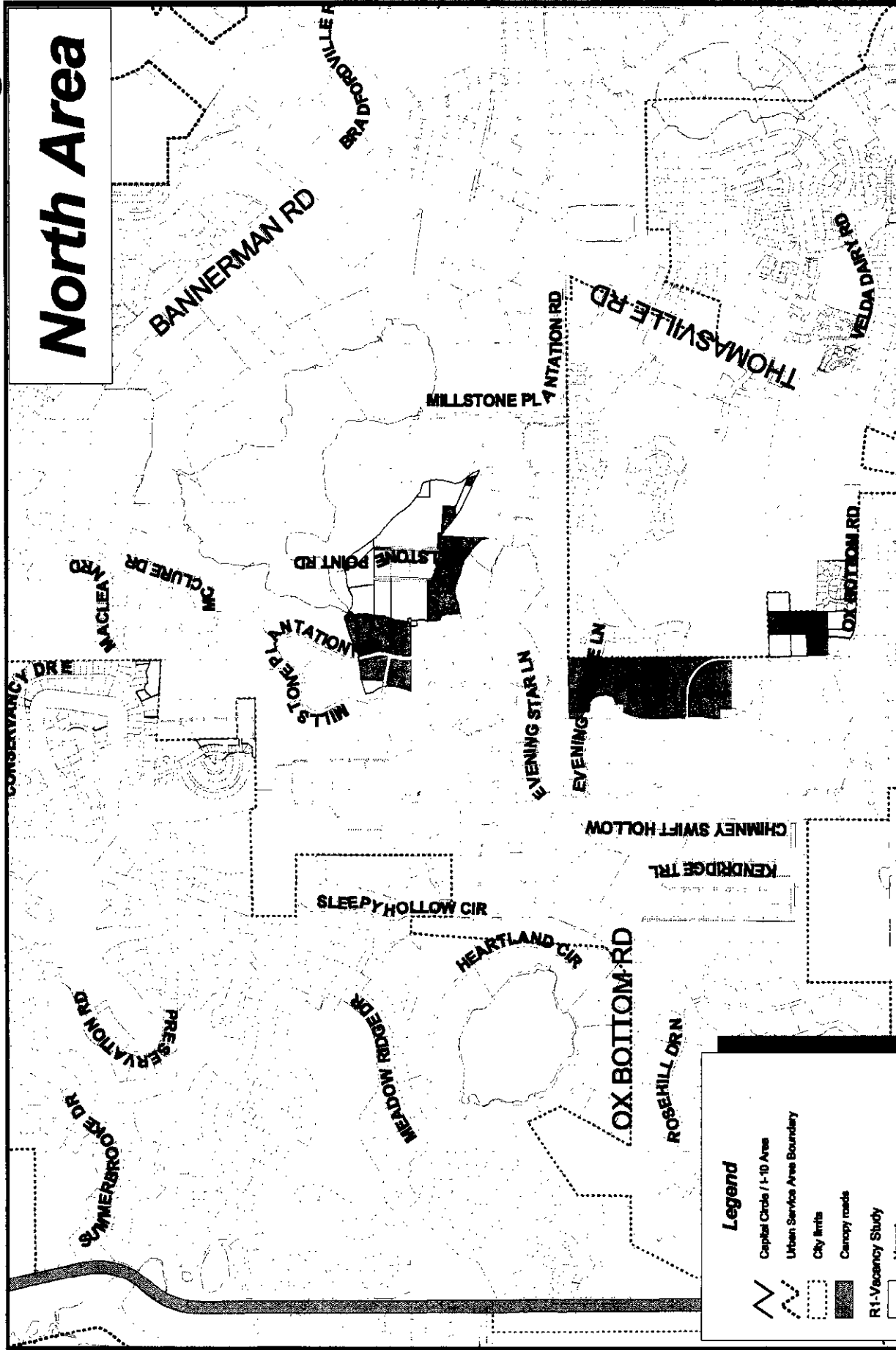
	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	872 <b>35</b>	2,365.4 <b>262.3</b>	287.3 <b>27.9</b>	2,078.1 <b>234.4</b>
EAR Vacant** <i>(Frontage on a canopy road)</i>	342 <b>19</b>	1,833.8 <b>227.7</b>	257.5 <b>23.3</b>	1,576.3 <b>204.4</b>
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	228 <b>10</b>	1,068.4 <b>144.6</b>	200.2 <b>20.0</b>	868.2 <b>124.6</b>

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres

# North Area



## R-1 Zoning Vacancy Analysis



**Legend**

Capital Circle / I-10 Area

Urban Service Area Boundary

City Limits

Canopy roads

R1-Vacancy Study

Vacant

Not Vacant, but possibly developable (Excl. Certain)

Government Owned

Not vacant

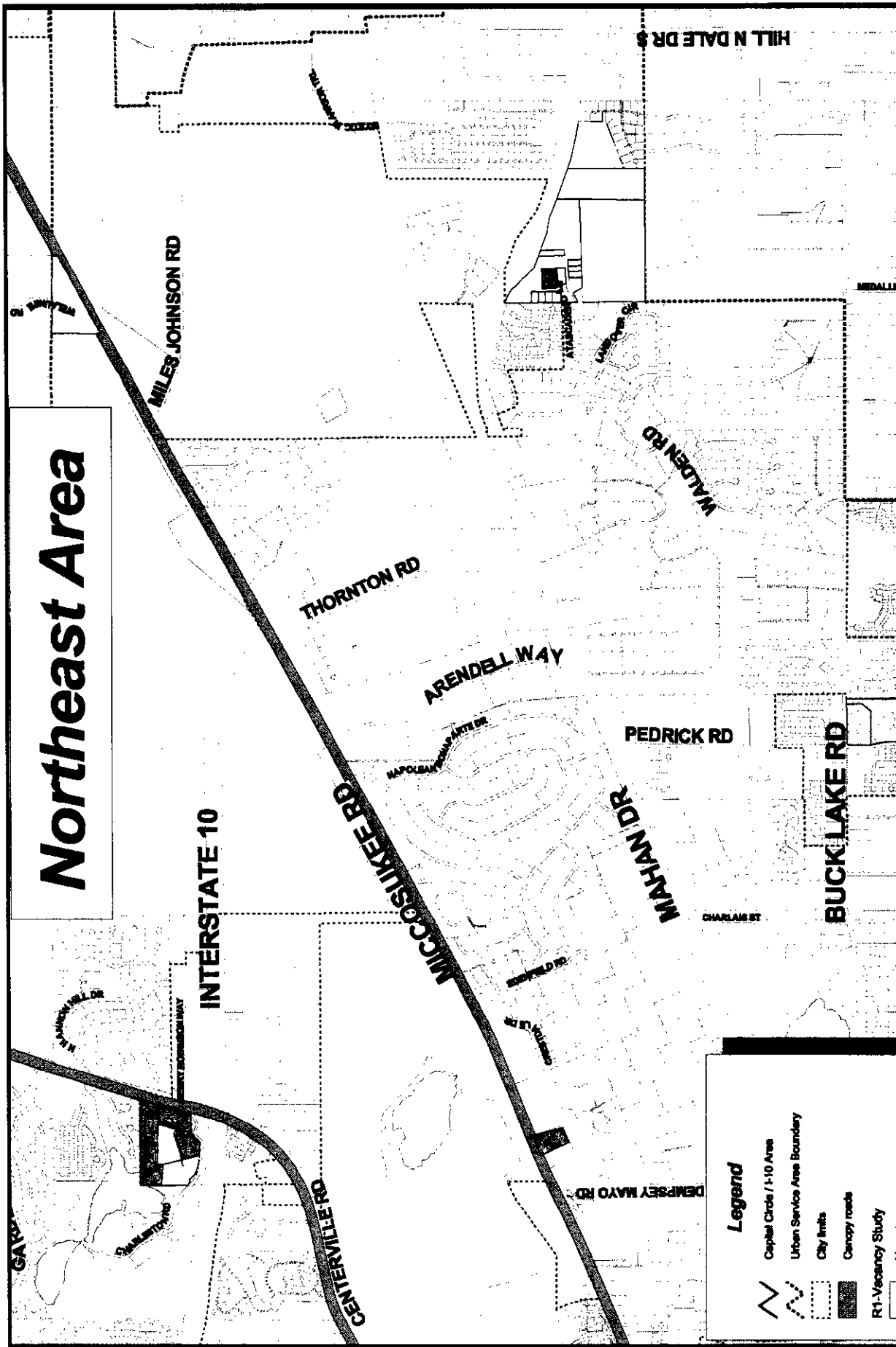
	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	192 0	279.9 0.0	10.7 0	269.2 0.0
EAR Vacant** <i>(Frontage on a canopy road)</i>	47 0	175.9 0.0	7.9 0	168.0 0.0
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	25 0	72.1 0.0	4.3 0	67.8 0.0

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres

# Northeast Area



## R-1 Zoning Vacancy Analysis

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### Legend

- Capital Circle / I-10 Area
- Urban Services Area Boundary
- City Limits
- Canopy roads
- R1-Vacancy Study
- Vacant
- Not Vacant, but possibly developable (EAK criterion)
- Government Owned
- Not vacant

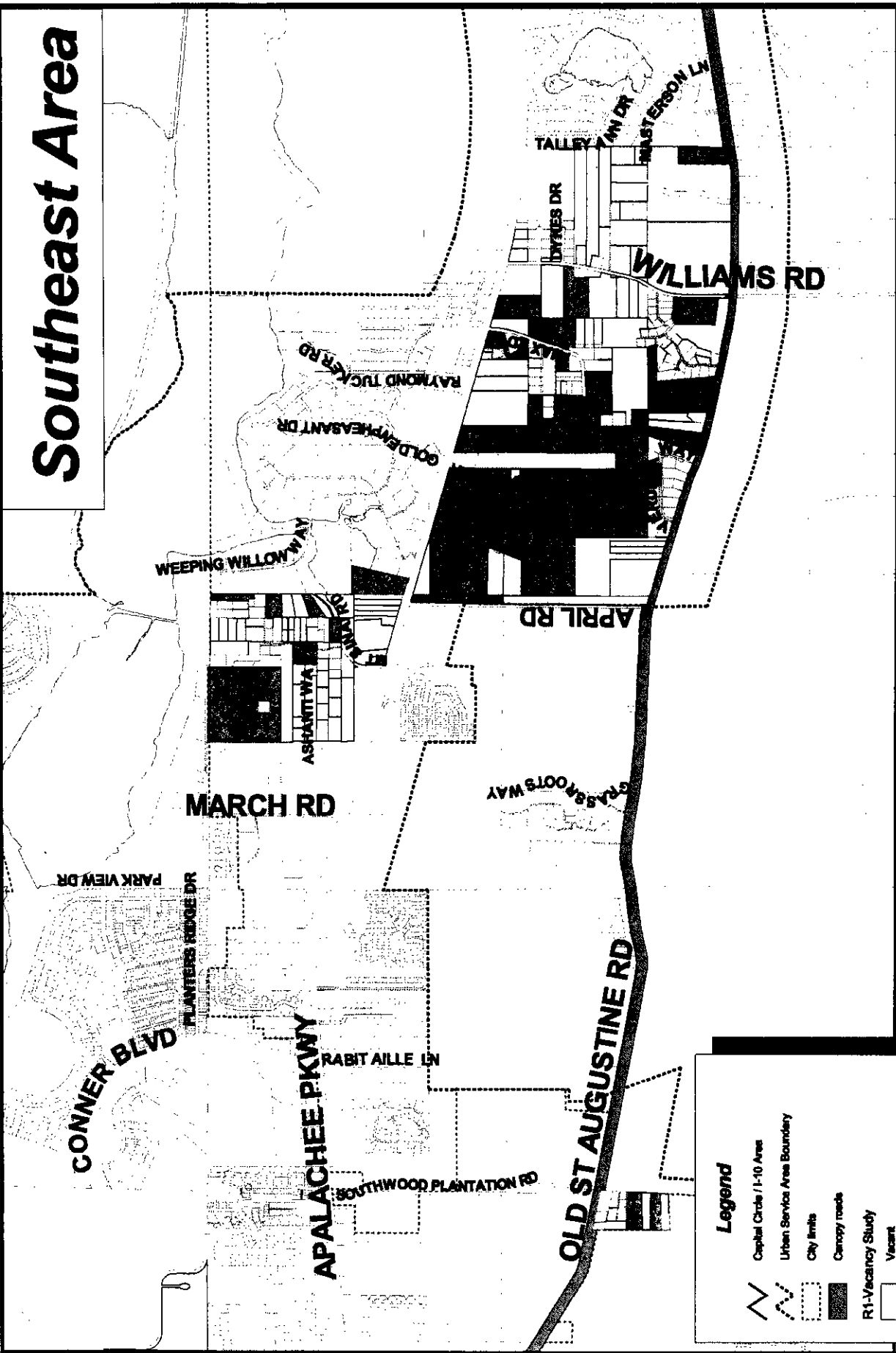
	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	54 8	229.8 48.4	48.5 1.2	181.3 47.2
EAR Vacant** <i>(Frontage on a canopy road)</i>	23 7	203.2 47.4	46.5 1.1	156.7 46.3
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	15 1	169.7 19.4	45.1 0.0	124.6 19.4

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

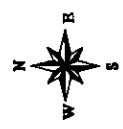
- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres

# Southeast Area



## R-1 Zoning Vacancy Analysis

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**Legend**

Capital Circle / I-10 Area

Urban Service Area Boundary

City limits

Canopy roads

R1-Vacancy Study

Vacant

Not Vacant, but possibly developable (EAS Criterion)

Government Owned

Not vacant

	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	275 27	947.0 213.9	110.4 26.8	836.6 187.1
EAR Vacant** <i>(Frontage on a canopy road)</i>	149 12	788.1 180.3	101.2 22.2	686.9 158.1
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	111 9	415.9 125.3	78.1 20.0	337.8 105.3

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

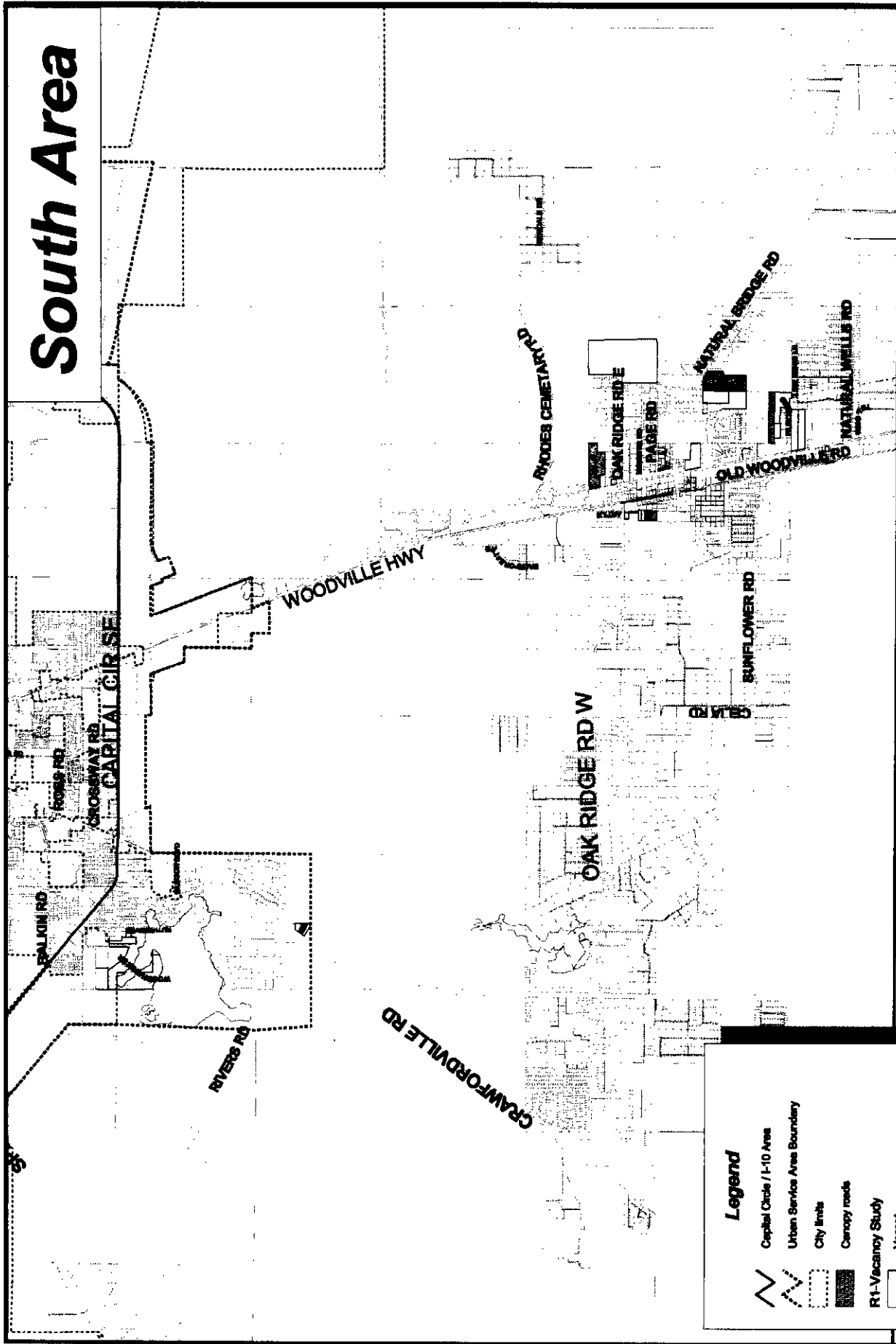
- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres



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# South Area

## R-1 Zoning Vacancy Analysis



### Legend

- Capital Circle / I-10 Area
- Urban Services Area Boundary
- City limits
- Canopy roads
- R-1 Vacancy Study
- Vacant
- Not Vacant, but possibly developable (Excl. Clanton)
- Government Owned
- Not vacant

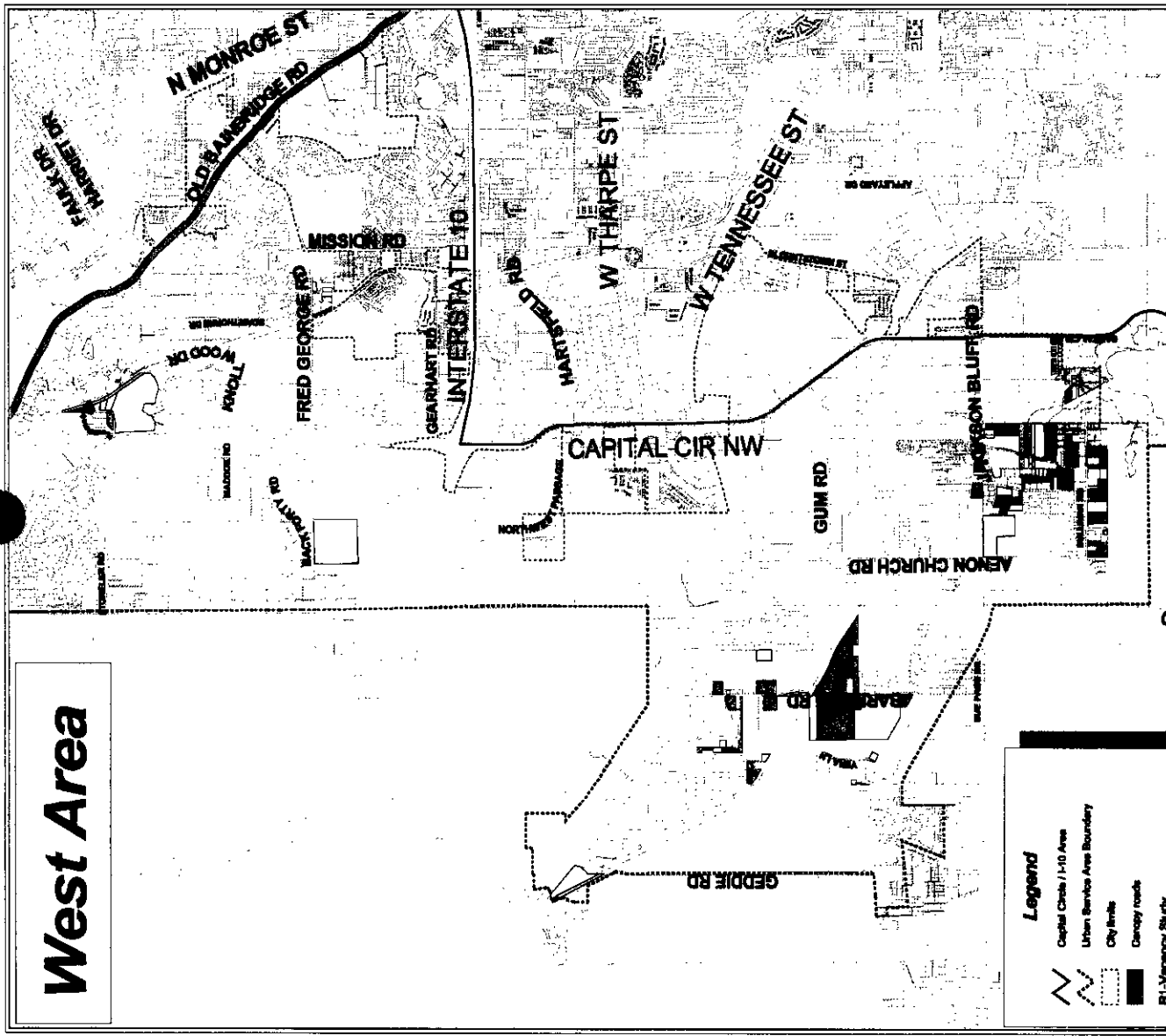


	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	135 0	361.4 0.0	14.6 0	346.8 0.0
EAR Vacant** <i>(Frontage on a canopy road)</i>	34 0	246.0 0.0	6.1 0	239.9 0.0
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	29 0	182.1 0.0	4.6 0	177.5 0.0

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres



**West Area**

**Legend**

- Capital Circle / I-10 Area
- Urban Service Area Boundary
- City limits
- County roads
- R1 - Vacancy Study
- Vacant
- Not Vacant, but possibly developable
- Government Owned
- Not vacant

**R-1 Zoning  
 Vacancy Analysis**

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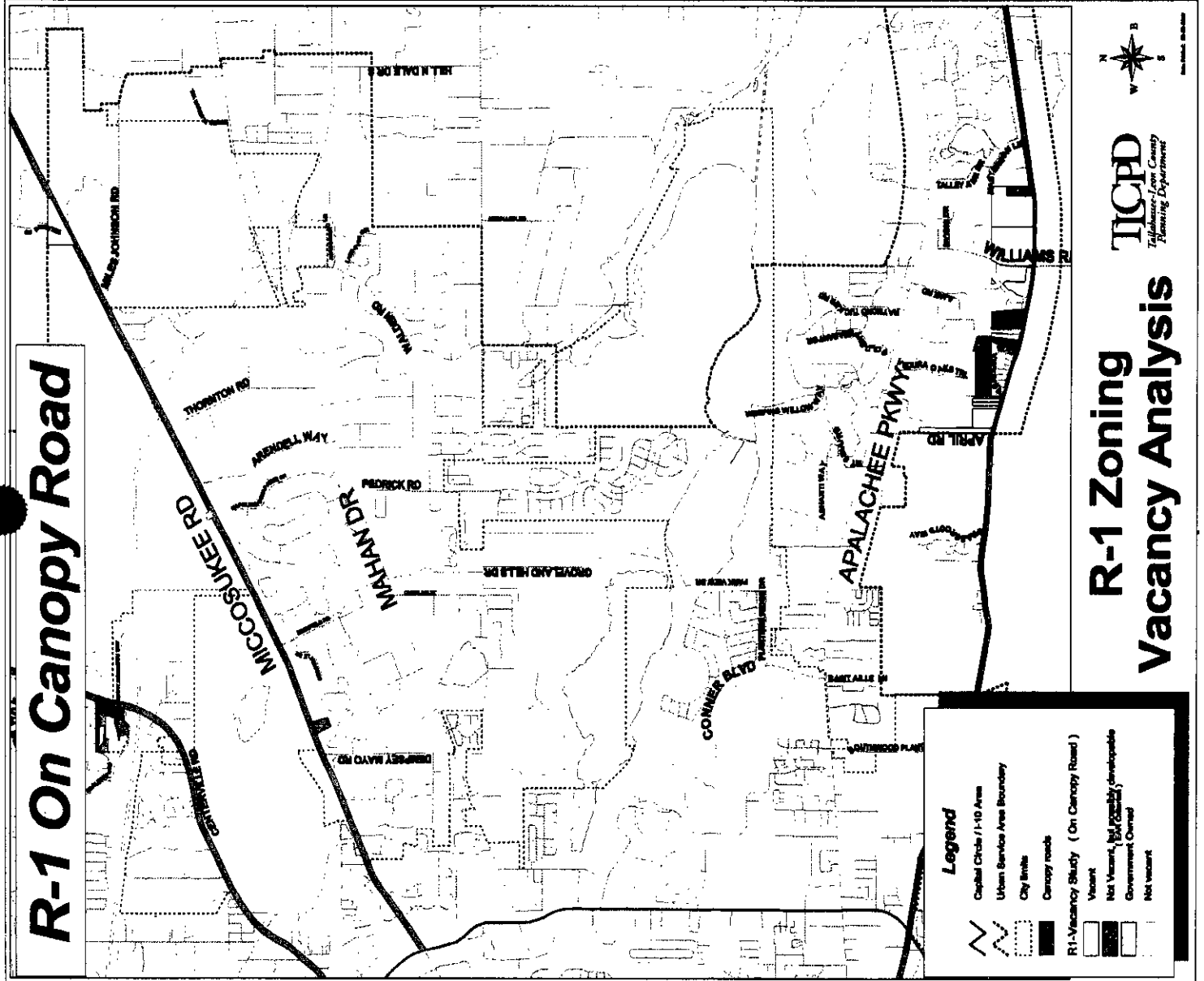
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	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
Privately Owned <i>(Frontage on a canopy road)</i>	216 0	547.2 0.0	103.2 0	444.0 0.0
EAR Vacant** <i>(Frontage on a canopy road)</i>	89 0	420.7 0.0	95.9 0	324.8 0.0
Property Appraiser vacant <i>(Frontage on a canopy road)</i>	48 0	228.7 0.0	68.2 0	160.5 0.0

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

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- Improved larger single-family residential lots with one residential structure outside of the USA that were ten acres or larger and have a FLUM category of UF or UF-LT as well as twenty acre or larger improved residential lots with a FLUM category of Rural
- Mobile homes inside the USA on parcels greater than or equal to two acres and mobile homes outside the USA on parcels greater than or equal to ten acres



Frontage on a canopy road	Number of Parcels	Total Acres	Acres Constrained*	Potentially Developable Acreage
<b>Privately Owned</b>	<b>35</b>	<b>262.3</b>	<b>27.9</b>	<b>234.4</b>
- Northeast	8	48.4	1.2	47.2
- Southeast	27	213.9	26.8	187.1
<b>EAR Vacant**</b>	<b>19</b>	<b>227.7</b>	<b>23.3</b>	<b>204.4</b>
- Northeast	7	47.4	1.1	46.3
- Southeast	12	180.3	22.2	158.1
<b>Property Appraiser vacant</b>	<b>10</b>	<b>144.6</b>	<b>20.0</b>	<b>124.6</b>
- Northeast	1	19.4	0.0	19.4
- Southeast	9	125.3	20.0	105.3

\*Defined as water bodies, wetlands and severe grades (20% or more)

\*\*EAR Vacant includes all parcels classified as vacant by the Property Appraiser plus

- Parcels where the total square footage (base square feet plus auxiliary square feet) was less than or equal to 500 square feet
- Improved larger single-family residential lots with one residential structure within the USA that were two acres or greater
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## Additional Information for Workshop